

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
September 27, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, September 27, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, September 20, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

Public Comment

William Cook stated he is here to discuss his concerns regarding the property at 254 Limmer Rd. He said, about two month ago he provided paperwork to Commissioner Schulte containing over three dozen names of people who live in his neighborhood and are concerned about this issue. The owner of this property was a recycler and the property was on a hazard list for clean up a few years ago. On December 6, 2009 a fire broke out and burned a couple of trailers, tires, car parts, and even a couple of cars. The owner has been approached to clean up the property so soil samples could be taken, and this has not happened. The property has been abandoned for the past nine months and has been looted. There is concern that hazardous material will affect their wells and Olequa Creek which is within a few hundred feet from the fire. They have worked with code compliance's William Teitzel and Senior Environmental Health Specialist Steve Garrett. This issue is being worked on and will be in front of the Commissioners in the next thirty days and the neighborhood would appreciate the Commissioners help so they can move forward and get an abatement to have this property cleaned up.

Commissioner Schulte stated he spoke with Tommy Thompson and William Teitzel this past week and an abatement process is started.

Bob Schwartz stated he is here in support of what Mr. Cook has done. He stated this is a catastrophic event that happened, had it been in the heat of the summer, there would have been epic losses in timberland and homes. He emphasized the concern about all aspects of this and would like to see something done.

NOTICE

Commissioner Averill made a motion to approve Notice Agenda items one and two. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

1. Notice of Hearing: Revising Lewis County Code 17.140 to bring local regulations in line with the State Current Use Laws, RCW 84.34. Hearing will be held on or after 10:00 am, Monday, October 11, 2010

Dianne Dorey, Assessor, stated during a state audit last year, it was determined that we had a section in our County ordinance that was in direct conflict with state law. Department of Revenue determined that we should correct it. As we did that, we went through and reviewed the rest of the ordinance to make sure it also followed state laws. What is being noticed today is the corrections that are necessary to make sure we comply with state law.

Commissioner Averill noted this is a notice of hearing and the hearing will be on Monday October 11, 2010. At that time any citizen who has questions or wishes to provide testimony can do so.

2. Notice of Hearing: Regarding adoption of Ordinance No. 1217 that will amend the E911 excise tax. Hearing will be held on or after 10:00 am, on Monday October 11, 2010.

Michael Strozyk, Director of Central Services, state during the 1st special session of this year's legislature, they adopted a new law for excise taxes. At the local level we collect fifty cents and at the state level they collect twenty cents. The State legislature amended that to raise it from fifty to seventy cents at the local level and from twenty to twenty five cents at the state level. This hearing will deal with those changes that the State Legislatures handed down.

Commissioner Averill stated it used to be that these fees came directly to the County, now it will go directly to the State and the State will take one percent before it gets back to us.

Michael Strozyk stated correct, currently at the local level the excise tax is remitted directly to the E911 office, as a separate requirement besides the ordinance we will be required to enter into an agreement with the Department of Revenue where they will take one percent of all monies as part of that agreement.

Commission Averill noted that there were some loop holes that left a number of callers out of the system and those loop holes have been closed by this legislation so it includes radio access lines and voice protocol lines.

Motion carried 3-0

CONSENT

Commissioner Grose made a motion to approve Consent Agenda items three through ten. **Commissioner Averill** seconded the motion. Candace Hallom read the items into the record.

3. Resolution No. 10-239 Approval of warrants for payment

Commissioner Averill stated this resolution approves 97 warrants issued by the Auditor's Office for a total of \$1,406,533.32.

4. Resolution No. 10-240 Rescinding Resolution No. 10-188 and lifting the burn ban in Lewis County.

Robert Johnson, Community Development, stated this resolution rescinds Resolution No. 10-188 which was adopted in July of 2010, imposing a burn ban on fires in Lewis County. Burn bans are put in place to respond to high fire dangers and are directly related to the moisture content and heavy fuels in the forest. This action was taken to lift the burn ban on September 21, 2010 which was a Fire Marshal decision but needs to be ratified by the Board of County Commissioners.

Commissioner Averill stated originally, because of the heavy rain the Commissioner asked the Fire Marshal to lift the ban and in the meantime Department of Natural Resources lifted their ban which allowed the Fire Marshal to lift it earlier. He stated that just because we lift a burn ban does not mean that people can go out and burn. There are requirements for burn permits and they may be obtained online. There is no fee for the permit.

5. Resolution No. 10-241 Approving selection of a consultant for Widen I-5 Lewis County Floodplain Mitigation.

Rod Lakey, Public Works, stated Lewis County received federal funding authorization for preliminary analysis and engineering for the I-5 Widening Through Lewis County Floodplain Mitigation Project in the Salzer Creek basin. The Mellon Street to Blakeslee Junction project on I-5 will place significant amounts of fill in the Chehalis River floodplain. To meet zero rise mitigation, a feasibility analysis of the proposed structure in the Salzer Creek basin is needed. This project is 100% funded through the Widen I-5 grant. This is listed on our STIP as priority 16. Preliminary engineering will look at the feasibility of flood retention (type, size, and location) in the Salzer Creek basin. WSDOT is in need of this information prior to November 1, 2010 to determine whether a Salzer Creek retention facility is warranted and whether they will pursue that design or look for property elsewhere. Public Works has reviewed their consultant roster, gone through interviews, and selected Gibbs & Olson, Inc. as the top candidate. This resolution states a \$110,000 maximum; we have finalized a price of \$85,500 after negotiation.

Commissioner Averill stated this project is a berm and flood gate on the Salzer Creek at Centralia Alpha Road. It is a project that had been studied previously and looked at but has never been completed. As WSDOT does the Mellon Street interchange there will be a rise in the flood plain south of the project and WSDOT is required to mitigate for that rise. It is not a large rise but is there. As we have been

looking at the CORPS project which isn't supposed to start construction until 2016 they would be putting a levy down on Kresky Road and dumping down into the fairgrounds. This project would contain the salzer water further upstream and would be a mitigation, if it works out the way they think it will. WSDOT asked us to do this preliminary work and if it does what we think it will and is accepted as a mitigation project we will have the first physical levy that will be constructed to provide flood protection.

6. Resolution No. 10-242 Approving Task Assignment with Tacoma Power regarding work by County Crews.

Rod Lakey, Public Works, state we have an Interlocal Agreement dated July 18, 2005 with Tacoma Power, Resolution No. 05-200. The following Task Assignment allows for work to be performed for Tacoma Power in conjunction with the County's 2010 STIP program. Specifically the task assignment #2010-01 is one application of liquid asphalt and rock chips to the Haul Road from the emergency access gate (Taidnapam Park, Phase II) to the bridge and a Power Broom Sweeping: Taidnapam Park Boat Launch, Taidnapam Low-Water Access Boat Launch, and Kosmos Boat Launch. Estimated cost is \$21,028.00 and this is an agreement that follows that outlined in the 2005 agreement between Lewis County and City of Tacoma, it is a 35 year agreement and is in conjunction with Tacoma's FERC licensing.

Commissioner Averill noted that this is similar to the interlocal agreements that we have with all of the incorporated jurisdiction where we do the work but are paid back for it.

7. Resolution No. 10-243 Appointment to the ATOD/CMASA Advisory Board.

Danette York, Public Health and Social Services, state the ATOD/CMASA board is formed by order of RCW 70.96A.300. The board shall be composed of not less than seven or more than fifteen members and there currently are vacancies on that board. This resolution appoints David Scott Reese as a new member. The members that are present right now make up District #2 and District #1 we do not have any members from District #3 but there are other vacancies and we are looking for member from District #3 who are willing to serve.

Commissioner Averill stated Mr. Reese is from the Chehalis area and of the ten members currently on the Board only two are from District #1. He stated if anyone is interested in this and would like to serve on this board we would encourage you to do so.

8. Resolution No. 10-244 Approving a revised employment agreement with Rachel Wood.

Danette York, Public Health and Social Services, stated we are legally required to operate under a Health Officer. Dr. Wood has been employed as our Health Officer since 2007 and currently works 18 hours a week. This revision will decrease the amount of time that she will be working from 18 hours to 14 hours a week effective today. This will continue through 2011. This amendment increases her rate of pay by fifty cents per hour but that does not take effect until January 1, 2011.

Commissioner Averill noted there is also a clause in the agreement that she is on call. He stated that we get a lot of service from Dr. Wood. She is our County's medical doctor for the prevention and control of communicable diseases, registrar for births and deaths, providing enforcement of public health statutes, monitoring of disease investigations by County staff, and she is the coordinator with community health providers. Dr. Woods has been very active working with the medical community.

9. Resolution No. 10-245 Approving Amendment No. 1 with the Timberlands Regional Support Network.

Danette York, Public Health and Social Services, stated we have an interlocal agreement with Timberland Regional Support Network (TRSN) because the State Mental Health Division contracts with the Regional Support Network who in turn contract with local service providers for the provision of mental health services in their respective counties. The TRSN is regional because it is made up of Lewis, Pacific, and Wahkiakum Counties. This interlocal agreement has already been in place but they are revising one section of it to deal with the advisory board. The amendment changes the number of members of the board from seven to up to ten members. It also adds language stating that the advisory board must include members representing American Indian tribes that have been identified in the contract between the Regional Support Network and the Department of Social and Health Services, and those tribe members must reside within the geographical area of the Regional Support Network. This amendment adds language identifying the Board of County Commissioners as the body that appoints the advisory board members for their respective counties.

Commissioner Averill noted he is the County's representative on the TRSN Governing Board. There is a County Commissioner from each County in this particular region that act as the governing board and the advisory board advises the governing board. The Shoalwater Indian Tribe had been a member of the governing board but excused themselves from participation about three years ago. There was nothing in the advisory agreement to allow for American Indian Tribe contribution. What this agreement does is allow for their membership but to be appointed they have to be a tribal member residing within the region. We have a member of the Cowlitz Tribe that sits on that advisory board currently. Other tribes might be appointed if they have members living within our region. This is just bringing us up to speed. The principle provider that is funded through TRSN in Lewis County is Cascade Mental Health.

10. Resolution No. 10-246 Approving contracts with Reliable Resources, Lewis County Work Opportunities, and Morningside to provide employment services to adults with developmental disabilities.

April Kelley, Public Health and Social Services, stated the State Department of Developmental Disabilities contracts with Lewis County to oversee the administration of grant money for employment services to adults with developmental disabilities. The total maximum consideration for all three is \$610,388.00. The maximum for Reliable Enterprise is \$359,379.00, Morningside is \$184,409.00, and Lewis County Work Opportunity is \$66,600.00. The services provided range from group supported employment, individual supported employment, person to person services, infrastructure cost, community outreach, family support network, and child development.

Commissioner Averill stated this is one of a series of these contracts that probably should have been done during the summer but DSHS is just getting around to getting the contract formalized. The period reaches back to the first of July even though we are already near the end of September. It goes through the 30th of June, 2011.

Motion carried 3-0

HEARING

Hearing: 2010 3rd Budget Amendment – Resolution No. 10-247

Chairman Schulte announced the hearing and asked for a staff report.

Dawna Truman, Budget/Fiscal Service Director, stated she is here to request approval of the 3rd 2010 budget amendment. This Public hearing was published in the East County Journal on September 15th and 22nd. I'll review a summary of changes affected by budget amendment Resolution No. 10-247.

Current Expense revenue is increasing by \$177,369.00, expenditures decreasing by \$584,071.00, and the fund balance increases \$761,440.00.

One of the major changes in this budget amendment is a decrease to current expense expenditures. The following departments and offices decreased there budget in current expense.

BOCC-\$24,871.00

Elections-\$7,148.00

Assessor-\$31,947.00

Treasurer-\$6,221.00

Clerk-\$30,493.00

Prosecutor-\$32,814.00
Self-Insurance-\$13,120.00
Human Resources-\$18,463.00
Budget Office-\$11,307.00
Central Services-\$6,305.00
Sheriff-\$140,233.00
Jail-\$273,552.00
Juvenile \$74,623.00
Weed Control-\$28,156.00
WSU Ext-\$6,523.00

Total reduction to current expense through the budget reduction request of \$728,099.00.

Commissioner Averill noted District Court was reducing by \$22,323.00. He stated these were the budget cuts that we asked all of the Departments and Offices to take to bring the budget more in line for the remainder of 2010. They include personal, layoffs, and other savings that could be found. This is still short of what we needed.

Dawna Truman stated it was late in the year when we found out that revenues were going to come in much lower than expected. Office and Departments did a good job of trying to find any and all reductions they could find.

Dawna Truman stated the notice amount for all funds was originally a revenue increase by \$243,870, expenditure decreased by \$282,749.00, which would have increased overall fund balances in the budget of \$525,619.00. The changes to the noticed amount are:

\$6,654.00 Increase Expenditures - Coroner 001-601 Sick/Vac payout
\$5,000.00 Decrease Revenue - Prosecutor 001-110 Gang Enf. Grant
\$23,800 Increase Revenue and Expenditures - Comm. Dev. Fund 121 DOE
Grant for South Lewis County Utility planning
\$108,145.0 Decrease Revenue and Expenditures - Comm. Dev. Fund 121
DOE Grant portion received in 2009
\$150,000 Increase Expenditures – Comm. Dev. Prof Services Planning

The new total amount for this budget amendment for all funds is, revenue increasing in the amount of \$154,525.00 and expenditures decreasing by \$210,440.00 for a total increase in fund balances of \$364,965.00

Commissioner Averill gave thanks to both Budget and Fiscal office and those members of our Departments and Offices that cooperated in this very difficult process. The fact is that we are not bringing as much revenues in as we expected in order to continue the services that we provide. We had to bring this back down into line. As noted by Dawna Truman, the problem is at the point we started working this process it was the end of the third quarter so trying to get the savings we needed in a three month period is a very difficult task. It will be necessary as we continue the budget process for 2011 to not only bring 2011 into balance but also

bring additional saving out of the 2010 budget that will get carried over. Our continuing tasks in this budget cycle do not get any easier for us.

Chairman Schulte asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Ms. Truman asked that her previous comments be adopted into the record.

Commissioner Averill asked that his previous comments be adopted into the record.

Chairman Schulte asked if there was anyone that wanted to make a statement on this. There were none. He closed the hearing and asked for a motion to approve Resolution No. 10-247.

Commissioner Averill made a motion to approve Resolution No. 10-247. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

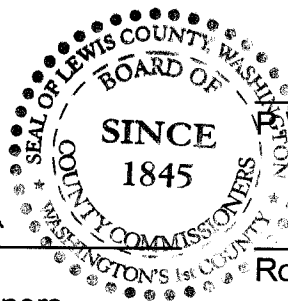
Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:42 a.m. on September 27, 2010. The next public meeting will be held Monday, October 4, 2010, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

ATTEST:


Clerk of the Board
Lewis County Commissioners



BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


P.W. Schulte, Chairman


Ron Averill, Commissioner


F. Lee Grose, Commissioner